



EXHIBIT 2
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SB 29

Mandatory Responsible Alcohol Sales and Service Training through Server Licensing

People generally view driving under the influence (DUI) and underage drinking as products of individual choices and prevention efforts typically attempt to convince individuals to change their behaviors through educational campaigns. While educational campaigns can be effective, they should be coupled with environmental policies to create sustainable change. One environmental factor that directly impacts DUI and underage drinking is the sale and service of alcohol. When alcohol is sold to an already intoxicated person or an underage person, it threatens the health and safety of those individuals and the surrounding community. In addition, both are illegal in Montana.

The problems associated with over-service and underage sales place a tremendous strain on community resources such as police and emergency services. Law enforcement officials cite alcohol as one of the most serious issues provoking the need for their services. Because local governments incur the majority of alcohol-related expenses, it's in their best interest to embrace alcohol seller and server training programs that prevent alcohol-related problems.

A mandatory statewide training program in Oregon led to an 11-percent reduction in fatal, alcohol-related car crashes in one year and a 23-percent drop in single-vehicle nighttime injury crashes over three years (*Mandated Server Training and Reduced Alcohol-Involved Traffic Crashes: A Time Series Analysis of the Oregon Experience*, 1994). A U.S. Navy program saw as much as a 32-percent reduction in over-service to military patrons (*The roles of bars and restaurants in preventing alcohol-impaired driving: An evaluation of server intervention*, 1987). The county of Washtenaw, Mich., saw similar results, with a 28-percent reduction in over-service (*Factors Influencing the Effectiveness of Server-Intervention Education*, 1991).

In addition, alcohol seller and server training is considered a "best practice" by the U.S. Department of Justice and the U.S. National Highway Traffic Safety Administration. It has been endorsed by Mothers Against Drunk Driving, the California Department of Alcoholic Beverage Control, the National Institute of Alcohol Abuse and Alcoholism at the Harvard School of Public Health, and the National Academy of Science.

Given that Montana has the highest rate of alcohol-related fatalities in the nation per vehicle miles traveled and the second highest rate of underage binge drinking, mandating responsible alcohol seller and server training in Montana makes sense.

Responsible alcohol server training is currently provided for free in Montana through the Department of Revenue's *Let's Control It* program. This training targets both on-site alcohol establishments, like bars and restaurants, and off-site outlets selling alcohol to go, such as grocery and convenience stores. The training highlights the effects of alcohol on the body and documents the legal and ethical responsibilities incurred by those businesses that choose to sell it. Tools and techniques to help prevent over-service of alcohol to adults – and hinder service to minors are also part of the program. Effective use of the training strategies means that alcohol servers check IDs and refuse service to underage and intoxicated patrons.

The training also benefits businesses and staff by boosting job skills and reducing civil liability in case an over-served customer causes a fatal crash or commits an alcohol-related crime. However, training alone seldom leads to sustainable changes in the practices of sellers and servers. The training must be coupled with a clear intent to enforce the laws. This requires regular compliance checks by law enforcement. Numerous studies on the effectiveness of RASS training show enforcement is essential to policy implementation. The outlet owners, managers, and employees must know about the law and penalties for violations, and that there is an intent to enforce the law. This should include random, unannounced compliance checks (*Preventing youth access to*

alcohol: Outcomes from a multi-community time-series trial, 2005 and Advanced Enforcement of Laws to Prevent Alcohol Sales to Underage Persons -- New Hampshire, 1999-2004).

Furthermore, enforcement activities need to occur on a regular basis; otherwise, the violation rate is likely to rise (*Preventing youth access to alcohol: Outcomes from a multi-community time-series trial, 2005*).

Better compliance can be expected when businesses know enforcement occurs regularly, visibly and swiftly (Center for Prevention Research and Development. *Background Research: Development and Enforcement of Public Policy to Reduce Alcohol Use, 2005*).

Passive enforcement, in which police respond only to complaints of violations, is not nearly as effective as active enforcement. Active enforcement includes:

- Compliance checks, typically using an underage person to attempt to purchase alcohol.
- Bar checks or walk throughs, with police sweeping through a bar to check IDs for sales to minors and to look for other violations.
- Confirmation that all sellers and servers are licensed to sell alcohol.

The easiest way to mandate the training is through an alcohol seller/server licensing process. Because alcohol can have a significant impact on public health and safety, licensing requirements are appropriate. In addition, every community should be conducting quarterly compliance checks. These are most effective when they are highly visible through the media (i.e. the results are regularly published in local news stories). These activities will have costs associated with them initially, but they will save money over time. Initial costs associated with the training and enforcement activities could be offset by an increase in alcohol taxes.

Based on research, an effective alcohol seller and server training policy would:

- Apply to both on and off-site alcohol outlets.
- Require training and licensing of all managers, sellers, and servers within 30 days of hire (during the initial implementation of this policy this could be extended).
- Specify minimum components of training.
- Penalize owners/managers as well as sellers/servers for noncompliance.
- Include penalties strong enough to serve as a deterrent (i.e. a graduated fine system with increasing penalties for second and third offenses and suspension for multiple offenses in a specific period).
- Require the training and trainers to be certified by the State of Montana through the Department of Revenue.
- Provide for systemic and regular assessment by law enforcement.
- Require recertification every two years.

About the Montana Common Sense Coalition

Montana's Common Sense Coalition is a grassroots organization of individuals and groups that are invested in reducing drinking and driving, underage drinking and binge drinking in Montana. The Coalition is the product of a larger movement to create a healthier, safer Montana; one that no longer leads the nation in alcohol-related problems, but is a model for implementing evidence-based solutions that work.

The Coalition's policy goals include:

- Criminalization of refusals
- Mandatory interlocks for 1st DUI offense
- Implementation of South Dakota's 24/7 program for 2nd DUI offense
- Mandatory incarceration and treatment for 3rd offense in Montana's WATCh program
- Mandatory alcohol server training with funding for regular compliance checks

The Montana Common Sense Coalition is made up of volunteers and receives no funding for its efforts. Members of the coalition include: **Chair:** John Larsen, Whitehall; **Vice-Chair:** Tina Lugibihl, Missoula; **Secretary:** Becky Sturdevant, Kalispell **Board Members:** Kristen Lundgren, Billings; Erin Inman, Montana City; Gary Acevedo, Flathead Reservation; Gina Dahl, Havre; Jim Smith, Helena; Larry Adorni, Helena; Leo McCarthy, Butte; Scott Newell, Ennis; Tawny Haynes, Kalispell; Theresa McKeon, Malta; Travis Bruyer, Kalispell **Strategic Partners:** Madco Safe Community Task Force, Madison Co.; CARE, Wibaux Co.; Prevention Network, Miles City; Hill County Coalition for Rethinking Drinking; FAVOR, Whitehall; Madison Co. DUI Task Force; CARE Coalition, Boulder, Basin, Jefferson City, Clancy, Montana City; Jefferson Co. DUI Task Force; Broadwater Co. DUI Task Force; Moving Forward in Blaine County, Blaine County DUI Task Force.

For more information about Montana's Common Sense Coalition email MontanaCommonSense@gmail.com